

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2014-070114

11/10/2014

HONORABLE JEANNE GARCIA

CLERK OF THE COURT

L. Slaughter

Deputy

IN RE THE MARRIAGE OF  
THERESA KAYE MILLER

THERESA KAYE MILLER  
15844 N 26TH AVE  
PHOENIX AZ 85023

AND

JONATHAN DOUGLAS MILLER

JONATHAN DOUGLAS MILLER  
210 E ALARCON ST # D  
PRESCOTT AZ 86301

CONCILIATION SERVICES-NW

MINUTE ENTRY

Prior to commencement of today's hearing, Petitioner and Respondent are sworn.

**LET THE RECORD REFLECT** that Mother's current address is not reflected on the Court's database.

**IT IS ORDERED** directing the courtroom clerk to update Mother's address in ICIS.

Courtroom 122 – NWR

11:00 a.m. This is the time set for Resolution Management Conference. Petitioner/Mother is present on her own behalf. Respondent/Father is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2014-070114

11/10/2014

Pending issues are discussed.

The court takes a brief recess for the parties to attempt an agreement.

11:10 a.m. Court stands at recess.

Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Mother advises the court that the parties have reached an agreement on all issues except legal decision making authority.

- The parties agree on a 2 week on 2 week off parenting time schedule;
- The parties agree that Father shall provide all transportation;
- The parties agree to the property and debt division in Father's Resolution Statement dated August 26, 2014;

Teresa Miller testifies and provides jurisdictional testimony.

Jonathan Miller testifies.

Petitioner and Respondent both testify that they have heard and understood the agreement as dictated in the record in open court, and that this is, in fact, their agreement.

**THE COURT FINDS** that the agreement entered into between the parties is not unfair, is reasonable, and is in the best interests of the parties' minor children.

**THE COURT FURTHER FINDS** that the parties have knowingly, voluntarily and intelligently entered into the agreement. The parties have done so without duress or coercion, and they are fully informed as to the contents of this agreement.

**IT IS FURTHER ORDERED** adopting the agreement of the parties as a binding agreement pursuant to Rule 69, Arizona Rules of Family Law Procedure, to be included in the final Order entered.

**IT IS FURTHER ORDERED** that the parties shall exercise parenting time on a 2 week/on 2 week off parenting time schedule.

**IT IS FURTHER ORDERED** that Father shall provide all transportation.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2014-070114

11/10/2014

**IT IS FURTHER ORDERED** adopting Father's Resolution Statement filed August 26, 2014, and is hereby merged and fully incorporated by reference as though the same reappeared herein, and the parties shall abide and perform the terms thereof as if the same were fully set forth herein.

The parties provide financial information for the purpose of calculating child support.

**IT IS ORDERED** that Mother shall file and provide Father and this court with proof of her hourly rate no later than **December 5, 2014**.

**IT IS FURTHER ORDERED** that Father shall file and provide this court with proof of the cost of the health insurance premiums as well as proof of day care expenses no later than **December 5, 2014**.

**IT IS FURTHER ORDERED** setting the above-captioned matter for **Trial re: Dissolution of Marriage, sole issue of legal decision making on February 4, 2015, at 3:00 p.m.** (time allotted: 1 hours) before the Honorable Jeanne Garcia, located at 14264 West Tierra Buena Lane, Courtroom 122, Surprise, Arizona 85374.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are advised the Court will utilize a portion of the time for its ruling. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

Each party is directed to provide the Court with their recent paycheck stubs, W-2's, and tax returns completed at the time of the hearing.

**IT IS FURTHER ORDERED** that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing.

**IT IS FURTHER ORDERED** that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2014-070114

11/10/2014

2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.

3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

**IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:**

1. Both parties shall exchange updated disclosure statements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits on or before **January 21, 2015**.

2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than **January 14, 2015**.

3. Counsel and both parties shall personally meet, face to face to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution/company or business/medical or health care provider/employer possessing any relevant information.

**IT IS FURTHER ORDERED** that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 70(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

**EXHIBITS**

**IT IS FURTHER ORDERED** that, if either party has exhibits to be marked, counsel or the parties shall deliver said exhibits to the Clerk **at least five (5)** business days prior to trial. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2014-070114

11/10/2014

1. Counsel and/or the parties shall submit all exhibits to this Division by 5:00 p.m. on January 28, 2015. Exhibits shall not be filed at the Clerk of Court filing counter.

2. The exhibit packet shall contain a title page which states the case number, whether the exhibits are Petitioner's or Respondent's and the date for the hearing. Failure to clearly indicate which party is presenting the exhibits may result in the exhibits being marked incorrectly or not marked at all.

3. Each exhibit shall be stapled if it contains more than one page. Each exhibit shall be clearly separated from the other exhibits, preferably by placing a colored page in between each exhibit. Do not staple the colored pages to the exhibits. Do not write or type on the colored pages. Failure to clearly separate each exhibit may result in the exhibits being marked differently than counsel and/or the parties intended, such as multiple exhibits being marked as one exhibit. **DO NOT PUT EXHIBITS TO BE MARKED IN A BINDER.** The Judge appreciates a bench copy. These can be in a binder.

4. The exhibits shall be marked in the order received. For example, if Respondent's exhibits are received first, Respondent's exhibits will be marked first, i.e., Respondent's exhibits 1 through 5, and Petitioner's exhibits will follow Respondent's exhibits in number, i.e., Petitioner's exhibits 6 through 10.

5. Duplicate exhibits shall not be presented.

6. The parties shall provide the adverse party with a separate copy of all exhibits.

Information regarding exhibits for parties not represented by counsel:

The Court does not automatically review exhibits. Each party will need to offer his/her exhibits into evidence during the hearing by stating to the Court that he/she is offering exhibit(s) 1, 2, 3, etc. The party will need to explain the relevance of each exhibit to the Court. Exhibits that are not received into evidence during the hearing will be returned to the party at the conclusion of the hearing without the Court reviewing the exhibit(s).

**IT IS FURTHER ORDERED** that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2014-070114

11/10/2014

**NOTICE**

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

**SETTLEMENT**

**IT IS FURTHER ORDERED** in the event a full settlement is reached prior to the time of hearing, the parties or counsel, if represented, **shall** present the formal written Judgment or the agreement signed and notarized by all parties, prior to 5:00 p.m. the **day prior** to the scheduled hearing [if set on the Court's morning calendar the following day, e.g., 9:00 to 11:55 a.m.] or **not later than** 9:00 a.m. on the day of hearing [if the hearing is set on the Court's afternoon calendar, e.g., 1:30 to 4:55 p.m.].

**In the event the agreement has not been reduced to writing, all parties and their counsels, if represented, shall appear at the time designated for hearing to recite the agreement on the record and have it entered as the order of the court pursuant to *Rule 69, (Arizona Rules of Family Law Procedure hereinafter AzRFLP)*.**

If the signed Judgment or agreement is not received by the Court pursuant to these guidelines, and the parties and/or their respective counsels, if any, fail to appear as ordered, the Court **shall dismiss the case in its entirety, without prejudice** and the matter **will not** be reinstated but for the most compelling of reasons. See *Rule 70(B)*.

**IF ONLY ONE PARTY APPEARS, THE COURT MAY ENTER A DEFAULT AGAINST THE ABSENT PARTY, AND ALLOW THE PARTY THAT APPEARS TO PROCEED BY DEFAULT AND/OR ISSUE A CIVIL ARREST FOR THE PARTY WHO FAILS TO APPEAR. IF BOTH PARTIES FAIL TO APPEAR, THE ENTIRE CASE MAY BE DISMISSED, WITHOUT FURTHER NOTICE TO EITHER PARTY.**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2014-070114

11/10/2014

12:07 p.m. Hearing concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.